

RESPONSE - NOTICE OF
MISSING REQUIREMENTS

PATENT

A34368 PCT USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Fuhr et al.
Serial No. : 09/868,200
Filed : June 14, 2001
For : PROCESS AND DEVICE FOR CELL TRACE BASED
CELL TESTING AND CELL CULTIVATION

RESPONSE TO NOTICE TO FILE MISSING
REQUIREMENTS UNDER U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

EXPRESS MAIL LABEL NO. EF321681917US

Assistant Commissioner of Patents
Box PCT
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Requirements of Application Under U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated July 24, 2001, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 U.S.C. 371:

- (x) Name of inventor and application serial number;
- (x) Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- (x) Name of inventor, title of invention and filing date;
- () Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oat
- () Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

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Also enclosed are:

1. (x) A check in the amount of \$ 130.00
(x) \$130 - Other than Small Entity
() \$ 65 - Small Entity
representing payment of the surcharge
due for late filing of the Declaration
pursuant to 37 C.F.R. 1.492(e);
 2. () An extension of time to file the Response
to Missing Parts is respectfully requested.
The required fee, calculated pursuant to
1.136(a), is enclosed in the amount of \$ _____
 3. () Other _____ \$ _____
- TOTAL FEE ENCLOSED \$ 130.00

Enclosed: Form PCT/DO/EO/905

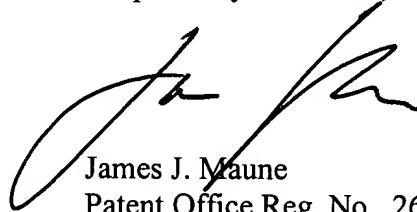
The Commissioner is hereby authorized to charge payment of any
additional fees associated with this communication to Deposit Account No. 02-4377. A
duplicate copy of this sheet is enclosed.

09/17/2001 MKAYPAGH 00000102 09868200

01 FC:154

130.00 OP

Respectfully submitted,




James J. Maune
Patent Office Reg. No. 26,946
Attorney for Applicants
(212) 408-2566

Baker Botts LL.P
30 Rockefeller Plaza
New York NY 10112

NY02:346042.1

10 ROCKEFELLER PLAZA

SEP 2001

BAKER BOTTS LLPPlease type a plus sign (+) inside this box → **TRANSMITTAL
FORM**


(to be used for all correspondence after initial filing)

Application Number	09/868,200
Filing Date	JUNE 14, 2001
First Named Inventor	Gunter Fuhr
Group Art Unit	
Examiner Name	
Attorney Docket Number	A34368 PCT USA

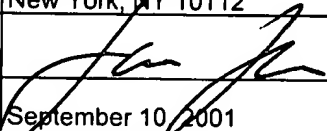
Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment / Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input checked="" type="checkbox"/> Response to Missing Parts/
Incomplete Application
<input checked="" type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers
(for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence
Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication
to Group
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please
identify below):

Combined Declaration & Power
of Attorney, PCT/DO/EO/905 |
| Remarks  | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: James J. Maune PTO Reg: 26,946
Date	September 10, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 10, 2001

Typed or printed name	James J. Maune
Signature	
Date	September 10, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868200	FUHR	A34368 PCT U
INTERNATIONAL APPLICATION NO.		
PCT/EP99/09781		
I.A. FILING DATE	PRIORITY DATE	
10 DEC 99	14 DEC 98	

RONALD B. HILDRETH
BAKER BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112 4498

DATE MAILED 24 JUL 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input checked="" type="checkbox"/> Other: IB 331, RO 101, ISA/210-REFERENCES, IPEA 401, 408, PRE'L. AMENDMENT |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|--|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. | |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. | |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). | |
4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Docketed

A copy of this notice **MUST** be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875☐ Notice of Defective Translation
☐ PCT/DO/EO/917

CRISTE WASHINGTON

FORM PCT/DO/EO/915 (Rev. 10/99)